

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 29, 2005

DIVISION ONE

B178541 County of Los Angeles (Certified for Publication)
v.
Superior Court, Los Angeles County
(N.L., r.p.i.)

The judgment is modified to reflect that defendant's sentence on count 1 is life with the possibility of parole after serving a minimum of 14 years plus three years conduct credits. As modified, the judgment is affirmed. The clerk of the trial court is directed to prepare a corrected abstract of judgment and to forward it to the Department of Corrections.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B175224 People (Not for Publication)
v.
Jerome Oates

We strike the section 667.5, subdivision (b) enhancement. We remand the case to the trial court to prepare an amended abstract of judgment so stating and forward it to the Department of Corrections. In all other respects, we affirm the judgment.

Suzukawa, J. (Assigned)

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B177494 Los Angeles County, D.C.S. (Not for Publication)
v.
April Y.

The order is affirmed.

Spencer, P.J.

We concur: Mallano, J.
 Suzukawa, J. (Assigned)

B177035 People (Not for Publication)
v.
Jason S. Placencia

Defendant's conviction on count 13 is reversed. In all other respects, the judgment is affirmed.

Spencer, P.J.

I concur: Mallano, J.
I concur w/judgment only: Vogel (Miriam A.), J.

B172180 People (Not for Publication)
v.
Hall

The judgment is affirmed.

Vogel (Miriam A.), J.

I concur: Spencer, P.J. (opinion)
I concur: Mallano, J. (opinion)

DIVISION ONE (Continued)

B177337 Los Angeles County, D.C.S. (Not for Publication)

v.

Nestor V.

In re REINA V.,

The order is affirmed.

Spencer, P.J.

We concur: Mallano, J.

Suzukawa, J. (Assigned)

B174234 Maldonado et al. (Not for Publication)

v.

Farmers Insurance Exchange

The judgment is reversed. The order granting the summary judgment is reversed. Plaintiffs are awarded their costs on appeal.

Suzukawa, J.

We concur: Spencer, P.J.

Vogel (Miriam A.), J.

B174150 People (Not for Publication)

v.

Padilla

The judgment is modified to reflect that defendant's sentence on count 1 is life with the possibility of parole after serving a minimum of 14 years plus three years for the great bodily injury enhancement and that defendant is entitled to 20 days of conduct credits. As modified, the judgment is affirmed. The clerk of the trial court is directed to prepare a corrected abstract of judgment and to forward it to the Department of Corrections.

Spencer, P.J.

We concur: Mallano, J.

Suzukawa, J. (Assigned)

March 29, 2005 (Continued)

DIVISION ONE (Continued)

B171289 People (Not for Publication)
v.
Emanuel

The judgment is conditionally reversed, and the cause is remanded to the trial court with directions to hold a hearing to determine whether Emanuel would have testified at his probation revocation hearing had he been properly advised and, if so, to give Emanuel an opportunity to present his testimony; the trial court shall then decide whether there is a reasonable probability that Emanuel's testimony would have changed the result of the probation revocation hearing; if so, Emanuel is entitled to a new revocation hearing and our reversal will stand; if not, Emmanuel will not have demonstrated prejudice, the condition of the reversal will not be met, and the judgment shall as of that date be reinstated and affirmed.

Vogel (Miriam A.), J.

I concur: Suzukawa, J. (Assigned)
I concur: Spencer, P.J. (opinion)

DIVISION THREE

B167376 People (Not for Publication)
v.
Aria, et al.

As to defendant Arias, the trial court is ordered to vacate the 10-year firearm enhancement on count one for personal use of a firearm. In addition, the trial court is ordered to vacate both defendants' sentences on counts one (murder) and three (conspiracy). The trial court is ordered to conduct a hearing to re-sentence defendants on counts one and three. In all other respects, the judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION THREE (Continued)

B168175 Jamal B. (Not for Publication)

v.
County of Los Angeles

The judgment is affirmed. The parties are to bear their own costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B173165 Premchang (Not for Publication)

v.
Mohammed

The judgment is affirmed. Mohammed is to pay Premchand's costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
Aldrich, J.

B175185 Boales, et al. (Not for Publication)

v.
Blue Shield of California, et al.

The judgments are affirmed. Respondents are entitled to recover costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION THREE (Continued)

B176531 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Sheila E.

The order is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B171381 Super Saver, Inc., et al. (Not for Publication)
 v.
 Eastgate Associates,

The judgment is affirmed. Each party to bear its own costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
 Kitching, J.

B177921 Los Angeles County, D.C.S. (Not for Publication)
 v.
 R.R.,

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION THREE (Continued)

B177446 Yellin, et al. (Not for Publication)
 v.
 Interinsurance Exchange of the Automobile Club

The judgment is affirmed. IEAC shall recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

B172048 People (Not for Publication)
 v.
 Zamora

The judgment is affirmed, except that the trial court's December 4, 2003 order revoking the suspension of execution of sentence and committing appellant to prison for 16 years, is vacated and the matter is remanded with directions that the court reconsider that order and issue a new order that is not inconsistent with the views expressed herein, and that the court strike the Penal Code section 1202.4, subdivision (b), restitution fine imposed on December 4, 2003, in the amount of \$1,000, with the result that the Penal Code section 1202.4, subdivision (b), restitution fine imposed on May 17, 2000, in the amount of \$200, remains in force. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

March 29, 2005 (Continued)

DIVISION THREE (Continued)

B178247 Los Angeles County, D.C.S. (Not for Publication)

v.

Cecil M.,

The appeal is dismissed.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION FOUR

B173749 Los Angeles County, D.C.S. (Not for Publication)

v.

Michael T.

The orders are affirmed.

Epstein, P.J.

We concur: Hastings, J.
 Grimes, J. (Assigned)

B170225 Money (Not for Publication)

v.

Trujillo

The appeal is dismissed. The parties are to bear their own costs.

Epstein, P.J.

We concur: Curry, J.
 Grimes, J. (Assigned)

March 29, 2005 (Continued)

DIVISION FOUR (Continued)

B167707 Takaesu (Not for Publication)
v.
Computer Sciences Corporation

The judgment is reversed, and the trial court is directed to enter an order granting summary adjudication on appellant's causes of action for age discrimination and retaliation only. Each side is to bear its costs of appeal.

Epstein, P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FIVE

B178884 Michaelis, Montanari & Johnson (Certified for Publication)
v.
Superior Court, Los Angeles County
City of Los Angeles, r.p.i.)

The petition for writ of mandate is granted. A peremptory writ shall issue directing respondent court to vacate its order of October 8, 2004, denying petitioner's mandate petition, and enter a new and different order granting the petition. Costs of this proceeding are awarded to petitioner. The City's motion to strike portions of the petition is denied.

Armstrong, J.

I concur: Turner, P.J.
I dissent: Mosk, J. (Opinion)

March 29, 2005 (Continued)

DIVISION SIX

B175681 People (Not for Publication)
v.
Sarvey

The judgment (order of commitment) is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

B174021 People (Not for Publication)
v.
Quiroz

We remand and direct the superior court to modify the abstract of judgment to impose the court security fee and to forward an amended copy to the Department of Corrections. In all other respects the judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B175118 People (Not for Publication)
v.
Lopez

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

March 29, 2005 (Continued)

DIVISION SIX (Continued)

B175219 Pricola (Not for Publication)
v.
Cooper

The judgment is affirmed. Costs are awarded to respondent.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

DIVISION SEVEN

B172824 H.K. Supermarket, Inc.
v.
Magteec Investment Co.

Filed order denying petition for rehearing.

B172590 People
v.
Hung T.

Filed order denying petition for rehearing.

B174598 Krongold
v.
City of Los Angeles

Filed order denying petition for rehearing.

B167220 Titchak K. and Rachael K.
v.
Los Angeles Unified School District and Schwarzmer

Filed order denying petition for rehearing. J. Woods would grant.

March 29, 2005 (Continued)

DIVISION EIGHT

B171979 A. Edward Ezor

v.

City National Bank, N.A., et al.,

Filed order denying petition for rehearing.